

## **Assembly Bill No. 2289**

### **CHAPTER 461**

An act to add Chapter 24.5 (commencing with Section 22755) to Division 8 of the Business and Professions Code, relating to plastic merchandise containers.

[Approved by Governor September 25, 2006. Filed with  
Secretary of State September 25, 2006.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 2289, Ruskin. Plastic bulk merchandise containers.

Existing law makes it a crime for an unauthorized person, as defined, to possess a bakery tray, bakery basket, or merchandise pallet. Under existing law, a purchaser or lessee of a bakery tray, bakery basket, or merchandise pallet is required to retain a copy of the bill of sale or other evidence that supports the sale.

This bill would require any person or entity purchasing plastic bulk merchandise containers who is in the business of recycling, shredding, or destruction of plastic bulk merchandise containers, as defined, to obtain a proof of ownership record and other identifying information from a person selling 5 or more containers, and to retain the required record for a specified time. A violation of these provisions would be a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 24.5 (commencing with Section 22755) is added to Division 8 of the Business and Professions Code, to read:

#### **CHAPTER 24.5. PLASTIC BULK MERCHANDISE CONTAINERS**

22755. (a) For purposes of this section, a plastic bulk merchandise container means a plastic crate or shell used by a product producer, distributor, or retailer, or an agent of the product producer, distributor, or retailer as a means for the bulk transportation, storage, or carrying of retail containers of milk, eggs, or bottled beverage products.

(b) Any person or entity purchasing plastic bulk merchandise containers, who is in the business of recycling, shredding, or destruction of plastic bulk merchandise containers, shall obtain a proof of ownership record from a person selling five or more plastic bulk merchandise containers that shows that the person selling the containers has lawful possession or ownership of the containers, and shall also verify the seller's identity by a driver's license or other government-issued photo identification. The proof of ownership record shall include all of the following information:

(1) The name, address, telephone number, and signature of the seller or the seller's authorized representative.

(2) The name and address of the buyer or consignee if not sold.

(3) A description of the product including number of units.

(4) The date of transaction.

(c) The information required to be collected by this section shall be kept for one year from the date of purchase or delivery, whichever is later.

(d) Any person who violates the provisions of this section is guilty of a misdemeanor.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.